

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

KAREN AUDAY,)	
)	
Plaintiff,)	
)	Case No. 1:10-CV-260
v.)	
)	Judge Curtis L. Collier
WET SEAL RETAIL, INC.,)	
)	
Defendant.)	

ORDER

On December 14, 2012, the Court held a status conference in this case. Counsel for Ms. Auday, Wet Seal Retail, Inc., and the Chapter 7 Trustee were in attendance. The attorneys have agreed to brief the following issues to assist the Court in determining how to proceed with the case in light of the recent opinion issued by the United States Court of Appeals for the Sixth Circuit, *Auday v. Wet Seal Retail, Inc.*, No. 12-5057, 2012 WL 5259002 (6th Cir. Oct. 25, 2012), which vacated this Court's judgment and remanded the decision. Those issues include, but are not limited to, (1) standing; (2) the scope of the Sixth Circuit's decision; (3) whether a conflict of interest arises if the Trustee becomes a party and is represented by Ms. Auday's counsel; (4) statute of limitations concerns; and (5) the arbitration issue. In the event other issues arise during the briefing process, those issues should be highlighted as well.

Ms. Auday, Wet Seal Retail, Inc., and the Chapter 7 Trustee shall submit briefs on these matters and adhere to the following briefing schedule:

1. Wet Seal Retail, Inc. shall submit its brief on or before **Monday, January 14, 2013.**
2. Ms. Auday and the Chapter 7 Trustee shall submit response briefs on or before **Friday, February 8, 2013.**

3. Wet Seal Retail, Inc. shall submit a reply brief, if necessary, on or before **Friday, February 15, 2013.**
4. The Court will schedule oral arguments for **Wednesday, March 27, 2013, at 10:30 a.m.**

All other deadlines in this case are stayed until the matters identified above are resolved.¹

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

¹ For instance, on December 13, 2012, Ms. Auday filed a motion to amend or revise the complaint (Court File No. 53). The Court stays the briefing schedule for this motion until after the Court addresses the issues raised at the status conference.